

ANDREW JOHN CALCAGNO (AC 3085)  
 Attorney At Law  
 404 Manor Road  
 Staten Island, New York 10314  
 (718) 815-0200  
*Attorney for Plaintiffs*

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

HJM/JM  
 Patterson/J  
 Page 12

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>6/7/07</u>

X Case No. 07 CV 4850 (AKT)  
 ECF CASE

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: _____

RICHARD ABONDOLO, as Chairman of the Board of Trustees of UFCW LOCAL 50 WELFARE TRUST FUND; RICHARD ABONDOLO, as Chairman of the Board of Trustees of UFCW LOCAL 50 PENSION TRUST FUND; RICHARD ABONDOLO, as Chairman of the Board of Trustees of UFCW LOCAL 342 HEALTH CARE FUND; RICHARD ABONDOLO, as Chairman of the Board of Trustees of UFCW LOCAL 342 ANNUITY FUND; RICHARD ABONDOLO, as Chairman of the Board of Trustees of UFCW INTERNATIONAL UNION AND INDUSTRY PENSION FUND; RICHARD ABONDOLO, as Chairman of the Board of Trustees of UFCW LOCAL 50 SEVERANCE FUND; RICHARD ABONDOLO, as Chairman of the Board of Trustees of UFCW LOCAL 342 SAFETY-EDUCATION-CULTURAL FUND; and RICHARD ABONDOLO, as Chairman of the Board of Trustees of UFCW LOCAL 342 LEGAL FUND,

Plaintiffs,

**ORDER TO SHOW CAUSE**

-against-

SIEGMUND STRAUSS, INC.,

Defendant.

X

Upon the affirmation of Andrew John Calcagno, Esq. and the affidavit of George Leventis, sworn to on the 5<sup>th</sup> day of June, 2007 and upon the copy of the complaint annexed hereto, it is

ORDERED, that the above-named Defendant show cause before a motion term of this Court, at Room 14D, United State Courthouse, 500 Pearl Street, in the City, County, and State of New York, on June 28, 2007, at 11:30 o'clock in the fore noon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure allowing the Plaintiffs to conduct an audit of the following records of the Defendant:

- The quarterly payroll tax returns for the period of June 2001 through the present;
- The payroll registers for the period of June 2001 through the present;
- The reconciliation scheduled of the payroll registers with the quarterly payroll tax returns for the period of June 2001 through the present;
- The employee payroll history details, including, but not limited to, dates of hire, dates of termination, and pay rates, for all employees for the period of June 2001 through the present; and
- W-2's and 1099's for the period of June 2001 through the present.

AND IT IS FURTHER ORDERED, that sufficient reason having been shown therefore, pending the hearing of plaintiff's application, the Defendant is hereby temporarily restrained and enjoined from disposing of and/or destroying in any way:

- The quarterly payroll tax returns for the period of June 2001 through the present;
- The payroll registers for the period of June 2001 through the present;

- The reconciliation scheduled of the payroll registers with the quarterly payroll tax returns for the period of June 2001 through the present;
- The employee payroll history details, including, but not limited to, dates of hire, dates of termination, and pay rates, for all employees for the period of June 2001 through the present; and

W-2's and 1099's for the period of June 2001 through the present.

*Reconciliation papers shall be filed and served by June 19, 2007.*

AND IT IS FURTHER ORDERED, that service via Federal Express Priority Overnight

of a copy of this order and annexed affirmation, affidavit, and exhibits upon the Defendant or its

~~att~~ counsel, if known, on or before 4 o'clock in the ~~after~~ noon, JUNE 8, 2007,

shall be deemed good and sufficient service thereof.

DATED: June 7 2007  
ISSUED: New York, New York

4:10P M

T. Brad Patterson, U.S.D.J.  
PAT